

years of the underlying offense. In order to have Federal jurisdiction, the only assault that is cited in the bill is assault against a Federal officer.

So passing this bill would not prevent that terrible, terrible tragedy. I just thought it was important to note that.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her statement, her leadership on this, and also the ranking member's.

I rise in strong opposition to the Unborn Victims of Violence Act and urge its rejection. Some Members on the other side of the aisle today have indicated that they do not believe that it is a direct attack on *Roe v. Wade* and a woman's right to choose.

Mr. Speaker, I include for the RECORD editorials from the New York Times entitled "Reproductive Rights Under Attack," and also editorials from the 1999 debate from the Washington Post, the St. Petersburg Times, and the Seattle Times, all in direct opposition to this bill. And all point out that it is a direct assault on *Roe v. Wade*.

The material referred to follows:

[From the New York Times]

REPRODUCTIVE RIGHTS UNDER ATTACK

Congressional opponents of abortion have no appetite for a direct and politically unpopular assault on *Roe v. Wade*. So they are pursuing other legislative strategies that would undermine women's reproductive freedom. One of the most deceptive of these schemes is the benign-sounding Unborn Victims of Violence Act, which is expected to come up for a vote in the House this week.

Packaged as a crime-fighting measure unrelated to abortion, the bill is actually aimed at fulfilling a longtime goal of the right-to-life movement. The goal is to enshrine in law the concept of "fetal rights," equal to but separate and distinct from the rights of pregnant women. In essence, the bill would elevate the status of a fetus, embryo or other so-called "unborn child" to that of a "person" by amending the Federal criminal code to add a separate offense for causing death or bodily injury to a "child" who is "in utero." The penalty would be equal to that imposed for injuring the woman herself and would apply from the earliest stage of gestation, whether or not the perpetrator knew of the pregnancy.

The vote this week represents a serious test. An identical bill passed the House last year by a 254-to-172 vote, and its present sponsors are plainly hoping the arrival of a new anti-choice administration will help gain passage this time around in the Senate.

Violence against women that results in compromising a pregnancy is a terrible crime. It may well deserve stiffer penalties, which some states have already imposed. But the bill's sponsors are more interested in furthering a political agenda than in preventing and punishing criminal conduct. Lawmakers who care for *Roe v. Wade* have no business voting for this disingenuous legislation.

EDITORIALS AGAINST "UNBORN VICTIMS OF VIOLENCE ACT"

[From the Washington Post, Oct. 2, 1999]

"While the bill specifically exempts abortion; it is a clever, if transparent effort to establish a foothold in the law for the idea that killing a fetus can be murder. What makes this bill a bad idea is the very aspect of it that makes it attractive to its sup-

porters: that it treats the fetus as a person separate from the mother, though that same mother has a constitutional right to terminate a pregnancy. This is a useful rhetorical device for the pro-life world. But it is analytically incoherent."

[From the St. Petersburg Times, Oct. 2, 1999]

"The bill's sponsors . . . claim the measure is not an attack on reproductive freedom, but a bill to fight crime. They point to the bill's exceptions for legal abortion providers, medical caregivers and the mother herself as proof that it's not anti-abortion. They are being disingenuous. . . . The public not be fooled. This bill is about abortion, not crime."

[From the Seattle Times, Sept. 28, 1999]

"It would make sense for Congress to enhance penalties for crimes against pregnant women, especially since pregnancy greatly increases a woman's risk of domestic assault. It does not make sense for Congress to exploit one critical health issue—violence against women—to erode women's reproductive rights. Its ludicrous to separate the pregnancy from the woman. In 1973, the Supreme Court ruled that reproductive freedom is part of the constitutional right to privacy; the state can claim compelling interest only after the fetus can survive outside the womb. For a quarter century, the price of such freedom has been constant vigilance against laws like this."

[From the New York Times, Sept. 14, 1999]

"Congressional opponents of abortion rights have come up with yet another scheme to advance their agenda. . . . [T]he measure aims to chip away at women's reproductive freedom by granting new legal status to unborn children—under the deceptively benign guise of fighting crime By creating a separate legal status for fetuses, the bill's supporters are plainly hoping to build a foundation for a fresh legal assault on the constitutional underpinnings of the Supreme Court's ruling in *Roe v. Wade*. Sending the nation down a legal path that could undermine the privacy rights of women is not a reasonable way to protect women or deter crime."

We should call for "truth in Advertising." The sponsors make it sound like they want to protect the fetus. Yet the definition is so broad that it would cover three cells. Make no mistake, this is an attack on a woman's right to choose, and now we know clearly and squarely where the Bush administration stands.

Mr. Speaker, I include for the RECORD the Statement of Administration Policy on this bill.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, April 24, 2001.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies)

H.R. 503—UNBORN VICTIMS OF VIOLENCE ACT OF 2001

(Rep. Graham (R) SC and 95 cosponsors)

The Administration supports protection for unborn children and therefore supports House passage of H.R. 503. The legislation would make it a separate Federal offense to cause death or bodily injury to a child, who is in utero, in the course of committing any one of 68 Federal offenses. The bill also would make substantially identical amendments to the Uniform Code of Military Jus-

tice. The Administration would strongly oppose any amendment to H.R. 503, such as a so-called "One-Victim" Substitute, which would define the bill's crimes as having only one victim—the pregnant woman.

I might add, why are we here today? The Bush administration has told us that their top priority is education. Where is the education bill? The Bush administration has told us that they care about the Patients' Bill of Rights to protect our seniors. Where is the Patients' Bill of Rights bill?

But what we get on the floor is an attack on a woman's right to choose, attack on her health and on her privacy. That is what we get. I ask my colleagues, is that compassionate?

My colleagues on the other side of the aisle have said that this is not a pro-life statement, it is not an attack on choice, but the Traditional Values Coalition, on their Web site, I pulled it off today; they state and I quote, "Enactment of the bill would be a landmark pro-life victory by recognizing the rights of the unborn."

I include for the RECORD the pro-life organization's statement.

VICTORY: UNBORN VICTIMS OF VIOLENCE ACT PASSES IN THE HOUSE

Criminals who murder or assault a pregnant woman will now be held accountable to the violence inflicted on both victims, the mother and her unborn child. This week the Unborn Victims of Violence Act, sponsored by Representative Lindsey Graham (R-SC), passed the House of Representatives by a vote of 254-172. This bill recognizes that an unborn child who is injured or killed during the commission of a federal crime is a human victim, and the assailant could then be punished for the harm caused to this most vulnerable victim. This bill provides vital protection for expecting mothers and their unborn children. We applaud the House for passing such important legislation.

The House also rejected an attempt to water down the original act by opposing a substitute amendment offered by Representative Zoe Lofgren (D-CA) by a vote of 201-224. This victory is one step further in bringing justice for ALL humans, born and unborn.

Regrettably, the United States federal criminal law does not give unborn children the rights of personhood. Currently, a person can attack a pregnant woman, causing the death of her child and only be prosecuted for the assault on the mother! It is a federal crime to attack, injure, or kill a woman, but it is not considered a federal crime to do the same to the unborn child of the woman. However, legislation introduced by Representative Lindsey Graham (R-SC) proposes to recognize the humanity of unborn children by using the same standard to punish violence enacted upon the unborn as any other person. This major pro-life bill would protect unborn children from acts of violence and enactment of the bill would be a landmark pro-life victory by recognizing the rights of the unborn.

This bill treats a fetus as separate from the mother, though that mother has a constitutional right to abortion. This bill does not protect women in any way. In fact, there is nothing in the bill about punishing the perpetrator for the crime against the woman. That is why the National Coalition Against Domestic Violence opposes this bill. According to experts,